

# EXHIBIT A

STATE OF NEW YORK  
SUPREME COURT : COUNTY OF NIAGARA

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DANIEL ROBINS  
5387 Annover Drive  
Lewiston, New York 14092

Plaintiff,

v.

Index No.:

WAL-MART REAL ESTATE BUSINESS TRUST  
2001 S.E. 10<sup>th</sup> Street  
Bentonville, Arkansas 72712

WAL-MART STORES EAST, LP  
702 S.W. 8<sup>th</sup> Street  
Bentonville, Arkansas 72716

WALMART, INC.  
702 S.W. 8<sup>th</sup> Street  
Bentonville, Arkansas 72716

Defendants.

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## SUMMONS

To Defendants:

YOU ARE SUMMONED to appear in this action by serving your answer to the complaint on the plaintiff's attorneys within the time limits stated below.

Niagara County is designated as the county where this action will be tried. The basis of venue is plaintiff's place of business.

### TIME LIMITS TO ANSWER:

- (1) If this summons is served by delivery to you personally within New York State, you must answer the complaint within TWENTY (20) days after such delivery.

- (2) If this summons is not served by delivery to you personally within New York State, and not served pursuant to CPLR 312-a, you must answer the complaint within THIRTY (30) days after service is complete.
- (3) If this summons is served pursuant to CPLR 312-a, see accompanying STATEMENT OF SERVICE BY MAIL for time limits to answer.

**IF YOU FAIL TO ANSWER THE COMPLAINT** within the time stated, judgment will be entered against you for the relief demanded in the complaint.

Dated: October 7, 2021

**WEBSTER SZANYI LLP**  
Attorneys for Plaintiff

By: *s/ D. Charles Roberts Jr.*  
D. Charles Roberts Jr.  
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STATE OF NEW YORK  
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WAL-MART STORES EAST, LP,  
WALMART INC.,

Defendants.

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**COMPLAINT**

Plaintiff, by and through his attorneys, Webster Szanyi LLP, as and for his Complaint against the Defendants, Wal-Mart Real Estates Business Trust, Wal-Mart East, LP, and Walmart, Inc., alleges as follows, upon information and belief:

1. At all relevant times, Plaintiff Daniel Robins was and is a resident of the Town of Lewiston, County of Niagara, and State of New York.
2. At all relevant times, Defendant Wal-Mart Real Estate Business Trust was and still is a foreign corporation authorized to do business within the State of New York.
3. At all relevant times, Defendant Wal-Mart Stores East, LP was and still is a foreign corporation authorized to do business within the State of New York.
4. At all relevant times, Defendant Walmart Inc. was and still is a foreign corporation authorized to do business within the State of New York.

5. At all relevant times, Defendant Wal-Mart Real Estate Business Trust was the owner of a certain premises known as Walmart Supercenter #4597, located at 866 Niagara Falls Boulevard, City of North Tonawanda, County of Niagara, and State of New York (the "Walmart Supercenter").

6. At all relevant times, Defendant Wal-Mart Stores East, LP controlled and operated the Walmart Supercenter.

7. At all relevant times, Defendant Walmart Inc. controlled and operated the Walmart Supercenter.

8. At all relevant times, Defendants were responsible for inspecting and maintaining the Walmart Supercenter.

9. On or about September 12, 2020, Plaintiff Daniel Robins was a lawful patron at the Walmart Supercenter.

10. On or about September 12, 2020, Plaintiff Daniel Robins was caused to slip and fall on the floor within the Walmart Supercenter and, as a result, suffered severe, permanent and disabling physical injuries.

11. The incident described above occurred solely as a result of the carelessness, recklessness and/or negligence of the Defendants, their servants, agents, employees, and/or others for whom Defendants are responsible, without any fault attributable in any measure to Plaintiff Daniel Robins.

12. The carelessness, recklessness and/or negligence of the Defendants included causing, creating and/or contributing to a dangerous condition, failing to provide a safe environment, failing to maintain the premises in a reasonably

safe condition, failing to warn Plaintiff of a dangerous condition, and failing to properly inspect the premises.

13. By reason of Defendants' negligence, Plaintiff has sustained severe, permanent, disabling physical injuries and pain and suffering, has been unable to perform his normal and customary activities and duties, and has incurred economic loss.

14. The limitations of liability set forth in CPLR Article 16 do not apply here; one or more of the exemptions set forth in CPLR 1602 applies.

**For A First Cause of Action**

15. Plaintiff repeats and realleges the allegations in the paragraphs above as if fully set forth herein.

16. The incident described above occurred as a result of Defendants' negligence and/or recklessness without any negligence attributable in any measure to Plaintiff Daniel Robins.

17. As a result of Defendants' negligence and/or recklessness, Plaintiff Daniel Robins was injured and has suffered damages in an amount that exceeds the jurisdictional limits of all lower courts that would otherwise have jurisdiction.

**WHEREFORE**, the Plaintiff demands judgment against the Defendants, jointly and severally, in the First Cause of Action in an amount that exceeds the jurisdictional limits of all lower courts that would otherwise have jurisdiction; and for such other, further, or different relief as the Court may deem just and proper, together with the costs and disbursements of the action.

DATED: Buffalo, New York  
October 7, 2021

**WEBSTER SZANYI LLP**  
Attorneys for Plaintiff

By: *s/ D. Charles Roberts Jr.*  
D. Charles Roberts Jr.  
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